

FORM PTO-1083  
Mail-Stop: Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450



Docket No.: 200.1133CON2  
Date: May 15, 2007

In re application of: Benjamin Oshlack, et al  
Serial No.: 10/701,041  
Filed: November 4, 2003  
For: **TAMPER-RESISTANT ORAL OPIOID AGONIST FORMULATIONS**

Sir:

Transmitted herewith is a **Response (6 pages)** in the above-identified application.

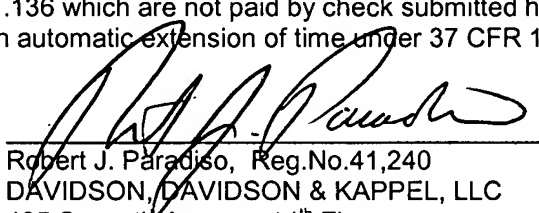
- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- ☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- ☒ No fee for additional claims is required.
- ☐ A filing fee for additional claims calculated as shown below, is required:

- ☒ Also transmitted herewith are:
  - ☐ Petition for extension under 37 C.F.R. 1.136
  - ☒ Other: **Supplemental Information Disclosure Statement (3 pages)**
  - ☒ Other: **Form PTO-1449**

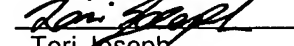
- ☐ Check(s) in the amount of \$ 0.00 is/are attached to cover:
  - ☐ Basic filing fee
  - ☐ Petition fee under 37 C.F.R. 1.136
  - ☐ Other:

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☐ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service with sufficient postage as "first class mail" in an envelope addressed to Mail Stop: Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 15, 2007.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Tori Joseph

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: J.H. Alstrum Acevedo    Art Unit: 1615  
 Re:    Application of:    Benjamin OSHLACK, et al.  
 Serial No.:    10/701,041  
 Filed:    November 4, 2003  
 For:    **TAMPER-RESISTANT ORAL  
 OPIOID AGONIST  
 FORMULATIONS**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop: Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

May 15, 2007

S i r:

In accordance with Applicant's duty of disclosure under 37 C.F.R. § 1.56 and the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (1 page) for consideration by the Examiner in connection with the examination of the above-identified patent application.

It is respectfully requested that the reference listed on the accompanying Form PTO-1449 (1 page) be made of record.

The Examiner's attention is also directed to the following references which were cited in the parent application, U.S. Application Serial No. 09/781,081, now U.S. Patent No. 6,696,088:

- U.S. Patent No. 6,228,863 listed as reference "AA" on the PTO-1449 submitted November 4, 2003; and

- U.S. Patent No. 6,277,384, listed as reference "AB" on the PTO-1449 submitted November 4, 2003;

the following reference which was cited in co-pending application no. 10/689,866, published as US 2004-0186121:

- U.S. Patent No. 4,573,995 listed as reference "FE" on the PTO-1449 submitted November 4, 2003;

and the following references which were cited in co-pending application no. 10/700,893, published as US 2004-0092542:

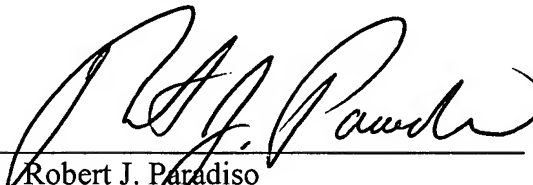
- U.S. Patent No. 6,004,970 listed as reference "AE" on the accompanying PTO-1449;
- U.S. Patent No. 6,120,806 listed as reference "AF" on the accompanying PTO-1449;
- U.S. Patent No. 6,228,863 listed as reference "AA" on the PTO-1449 submitted November 4, 2003; and
- U.S. Patent No. 4,987,136 listed as reference "FA" on the PTO-1449 submitted November 4, 2003.

This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b) before the mailing of a first Office Action on the merits. Accordingly, no fee is believed due. If it is determined that any fee is due, the Examiner is authorized to charge said fee to Attorney Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: \_\_\_\_\_

  
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FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.:  
200.1133CON2SERIAL NO.:  
10701,041

## LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT(S):  
Benjamin OSHLACK et al.FILING DATE:  
October 21, 2003GROUP:  
1616

U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL |    | DOCUMENT NUMBER |   |   |   |   |   |   |  | DATE  | NAME            | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|----|-----------------|---|---|---|---|---|---|--|-------|-----------------|-------|----------|-------------------------------|
|                      | AA | 6               | 6 | 2 | 7 | 6 | 3 | 5 |  | 09/03 | Palermo et al.  | 514   | 282      |                               |
|                      | AB | 6               | 6 | 9 | 6 | 0 | 6 | 6 |  | 02/04 | Kaiko et al.    | 424   | 400      |                               |
|                      | AC | 6               | 4 | 7 | 5 | 4 | 9 | 4 |  | 11/02 | Kaiko et al.    | 424   | 400      |                               |
|                      | AD | 7               | 1 | 4 | 4 | 5 | 8 | 7 |  | 12/06 | Oshlack et al.  | 424   | 490      |                               |
|                      | AE | 6               | 0 | 0 | 4 | 9 | 7 | 0 |  | 12/99 | O'Malley et al. | 514   | 282      |                               |
|                      | AF | 6               | 1 | 2 | 0 | 8 | 0 | 6 |  | 9/00  | Whitmire        | 424   | 497      |                               |
|                      | AG | 6               | 5 | 7 | 9 | 5 | 3 | 6 |  | 06/03 | Hirsch et al.   | 424   | 484      |                               |
|                      | AH | 6               | 6 | 0 | 8 | 0 | 7 | 5 |  | 08/03 | Foss et al.     | 514   | 282      |                               |
|                      | AI | 6               | 7 | 1 | 6 | 4 | 4 | 9 |  | 04/04 | Oshlack et al.  | 514   | 002      |                               |

## FOREIGN PATENT DOCUMENTS

|  |    | DOCUMENT NUMBER |  |  |  |  |  |  |  | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|--|----|-----------------|--|--|--|--|--|--|--|------|---------|-------|----------|-------------|----|
|  |    |                 |  |  |  |  |  |  |  |      |         |       |          | YES         | NO |
|  | AJ |                 |  |  |  |  |  |  |  |      |         |       |          |             |    |
|  | AK |                 |  |  |  |  |  |  |  |      |         |       |          |             |    |
|  | AL |                 |  |  |  |  |  |  |  |      |         |       |          |             |    |

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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|  | AM |  |
|  | AN |  |
|  | AO |  |
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|  | AR |  |
|  | AS |  |

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.